

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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CLERK-ALBUQUERQUE

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Personal effects of Fabian Baros stored at the Sandoval
County Detention Center

Case No. 15MR592

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under
penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the
property to be searched and give its location):
Personal effects of Fabian Baros stored at the Sandoval County Detention Centerlocated in the Bernalillo District of New Mexico, there is now concealed (identify the
person or describe the property to be seized):
Personal effects of Fabian Baros stored at the Sandoval County Detention Center

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

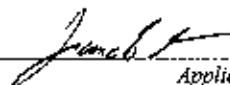
- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
Title 18 U.S.C. § 2113

Bank robbery

Offense Description

The application is based on these facts:
See attached affidavit☒ Continued on the attached sheet.☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested
under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

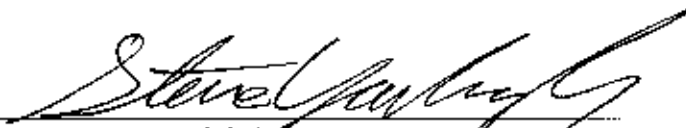
James P Sumner, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: September 22, 2015

City and state: Albuquerque, NM



Judge's signature

Steven C. Yarbrough

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF
PERSONAL EFFECTS WORN DURING A
BANK ROBBERY, THAT IS STORED AT
PREMISES CONTROLLED BY
**SANDOVAL COUNTY DETENTION
CENTER**

Case No. _____

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, James P. Sumner, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant under Rule 41 of the Federal Rules of Criminal Procedure for evidence of a crime associated with personal effects worn during a commission of a felony that is stored at premises controlled by Sandoval County Detention Center, a detention center that houses inmates facing charges located at 1100 Montoya Road, Bernalillo, New Mexico 87004. The personal effects to be searched and seized are described in the following paragraphs and in Attachment A.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since July 2014. I am currently assigned to the Albuquerque Field Office, in the Violent Crimes Program, with a primary duty to investigate individuals involved in violent crimes, including bank robberies. The information set forth in this affidavit has been derived from investigation conducted by your affiant, and/or communicated to me by other sworn law enforcement officers.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended

to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on the facts set forth in this affidavit, there is probable cause to believe that a violation of Title 18 U.S.C. § 2113 has been committed by Fabian Baros. There is also probable cause to search the personal effects that are stored at a location described in Attachment A for evidence of these crimes as further described in Attachment B.

PROBABLE CAUSE

5. On 9/10/2015, at approximately 12:34 p.m. a male subject entered the BBVA Compass Bank, 1201 San Pedro Dr NE, Albuquerque, New Mexico 87110. He appeared to be wearing black sunglasses, a red colored bandana over his face, and a hooded jacket, gray pants, shoes that were dark with dark soles and white near the bottom; his head was covered by the hood. He appeared to be carrying a blue bag and holding a gun.

6. When he approached the victim teller, he demanded money. He stated he knew the alarm had been hit. The victim teller gave him United States (US) currency. The victim teller surreptitiously included a tracking device and "bait bills" (currency whose serial numbers had been documented by the bank) among the currency he took. After he had received the US currency, he left the bank in a car.

7. A BBVA Compass employee provided the FBI with documents reflecting that BBVA Compass had sustained a loss of approximately \$790.00 in the robbery. The FBI was also provided the Bait List Log with the serial numbers of the six bait bills and serial number and transmitter number of the tracking device.

8. The Albuquerque Police Department (APD) dispatched an Air Unit to track the device placed with the US currency he had taken. At approximately 1:00 p.m., the Air

Unit, using equipment to locate the tracking device, led APD ground units to an individual walking near 5600 Central AVE SE, Albuquerque, New Mexico. The APD detained and searched the individual. The individual was identified as Fabian Baros, year of birth 1977 of Albuquerque, NM.

9. Among the currency taken from the search of Baros, all six bait bills given by the victim teller were recovered. The bait bills' serial numbers were compared with serial numbers listed on the Bait List Log, and the serial numbers matched. Additionally, the APD found the tracking device within the US currency that Baros was carrying. The tracking device number and serial number were compared to the device number and serial number listed on a document provided by BBVA Compass, and the tracking device number and device number matched those listed on the BBVA Compass provided document.

10. BBVA Compass's deposits are insured by the Federal Deposit Insurance Corporation and it is therefore a bank as defined under 18 USC § 2113.

11. Baros was arrested and detained at the Sandoval County Detention Center. Baros's personal effects were stored at that location. At the time of his arrest he was wearing gray pants, a dark shirt, and dark shoes. A red bandana and black sunglasses were recovered from his person. As of 9/22/2015, the Sandoval County Detention Center was currently housing Fabian Baros and his personal effects.

12. The search and seizure of Baros's personal effects is intended to identify and seize items that appear to match items described by BBVA Compass witnesses and observed in BBVA Compass security camera footage.

13. In my training and experience, I have learned that Sandoval County Detention Center houses inmates who are being held on charges including for bank robbery. Additionally,

the Sandoval County Detention Center stores inmate's personal effects until they are claimed by authorized persons or if they are released.

AUTHORIZATION REQUEST

14. Based on the foregoing, I request that the Court issue the proposed search and seizure warrant, pursuant to the Federal Rule of Criminal Procedure 41, to allow the search and seizure of personal effects of Fabian Baros stored at the Sandoval County Detention Center.

15. Assistant United States Attorney George Kraehe has reviewed and approved this affidavit for a search and seizure warrant. *Ge Kraehe 9/22/2015*

16. I swear that this information is true and correct to the best of my knowledge.

Respectfully submitted,

[Signature]
James P Sumner
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on *September 22*, 2015

[Signature]
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to personal effects worn by Fabian Baros during a commission of a felony that is stored at premises controlled by Sandoval County Detention Center, a detention center that houses inmates facing charges located at 1100 Montoya Road, Bernalillo, New Mexico 87004. Items include: gray pants, red bandana, black sunglasses, camouflage hooded jacket, shoes-dark on top, white and the bottom, dark soles.

ATTACHMENT B

Particular Things to be Seized

I. Items to be Seized by the Government

To the extent that the information described in Attachment A is within the possession, custody, or control of the Sandoval County Detention Center, the SCDC is required to disclose to the government the following items pertaining to the personal effects listed in Attachment A.

All information described above in Section I that constitutes evidence of violations of Title 18 U.S.C. § 2113 involving Fabian Baros.